

Board of Commissioners

August 2nd, 2011 –8:15 a.m.

Meeting called to order by President Gogel. Parties present are as follows: Gogel, Logsdon, Toler, Board Attorney Lindsey, Auditor Lynam, Hwy Superintendent Painter and Engineer Lloyd.

Minutes

July 7th, 2011 Executive minutes; Toler made a motion to approve (review of prospective employee applications). Logsdon seconded. All were in favor. *July 18th, 2011 Executive minutes*; Toler made a motion to approve (Interview of selected employees) with the correction of the adjourned time as 4:55 p.m. Logsdon seconded. All were in favor. *July 19th, 2011 Commissioner Minutes*; Toler made a motion to approve, with "Contractor" in place of "Commissioner" on the bottom of third page of the minutes. Logsdon seconded. All were in favor. *July 21st, 2011 Joint Executive Session* (Commissioners, Council, and Redevelopment Commission met to discuss litigation now pending) minutes; Logsdon made a motion to approve the minutes. Toler seconded. All were in favor.

Claims

Claim number 26 the vendor number should be 4112 instead of 4122 and the name should be Jody's Automotive dollar amount is correct; Claim number 37 vendor number should be 4601 instead of 4901 to go to Golden Rod Dairy, dollar amount is correct; The Auditor's office caught this after the print out was mailed out. Claim number 96 CRS Inc. alerted Gogel. Auditor pulled the CRS, Inc. bill. CRS, Inc. is Correctional Risk Services out of Brentwood TN (1-888-345-4554) that works with Sheriff Kermit Lindsey at the jail. Gogel reviewed bill prior to meeting and stated the county pays to CRS, Inc. 10% of what CRS, Inc. saves the county in Medical costs. There was discussion on this cost. Logsdon stated that commissioners need to have a working session and ask Jim McDurmon and Sue Higdon to join them to discuss this matter further. There was further discussion of the claims. Logsdon made a motion to approve the claims. Toler seconded. All were in favor.

Flood Damage

Toler stated quotes are needed for the flood damage in the EMA office in the basement of the courthouse. There is a \$1,000 dollar deductible with our insurance company. These quotes will be subject to common construction wage rates per Attorney Lindsey. FEMA will then let EMA know if they can assist with the \$1,000 dollar deductible portion of the cost.

EMS Ambulance Roof Repair

Gogel recommended moving forward with the EMS Ambulance (Reo) roof project. Lindsey stated he could work with the Auditor's office in implementing the advertisement. Funds have been budgeted for this project.

Engineer

Kelly Log Homes Subdivision

Engineer estimate on Kelly Log Homes Subdivision road project is \$150,958. Bids were then opened by Attorney Jeff Lindsey. After opening each bid he checked to make sure all paperwork was in order. Gohmann Asphalt Construction, Inc. bid price is \$160,000; J.H. Rudolph bid price is \$147,788; E & B Paving bid price is \$176,945; Metzger Construction Co., Inc. bid price is \$144,754.50. Gogel asked for public comments. There were no comments from the public. Toler made a motion to have engineer take these bids under advisement. Logsdon seconded. All were in favor. Logsdon asked if all bids had a letter of preference. Lindsey stated yes. After calculating numbers and considering all bids the engineer recommended Metzger Construction Co., Inc. bid price \$144,754.50. Toler made a motion to accept engineer recommendation. Logsdon seconded. All were in favor.

Engineer

CR 200 S – from CR 600W to French Island Marina

Engineer estimate is \$317,606. Gohmann Asphalt Construction, Inc. bid amount \$324,211; J.H. Rudolph bid amount \$292,364.20; Metzger Construction Co., Inc. bid price is \$308,939; E & B Paving bid price is \$314,995. Gogel asked for public comment. There were no comments from the public. Logsdon made a motion to have engineer to take these bids under advisement. Toler seconded. All were in favor. After calculating numbers and considering all bids the engineer recommended J.H. Rudolph bid amount \$292,364.20. Toler made a motion to accept recommendation of engineer. Logsdon seconded. All were in favor.

AT&T

Pepper Mulherin, Director of AT & T presented commissioners a draft of a Resolution supporting AT & T's acquisition of T-Mobile USA. This draft is encouraging high-speed wireless internet service in Spencer County. The proposed acquisition of T-Mobile USA by AT&T could create access to fast wireless broadband to a large percentage of Indiana that otherwise would not have access and to offer a unique opportunity for economic growth for Indiana. Logsdon inquired to Mulherin if an additional location is needed for extra towers in the Spencer county area, could the county (providing the property was acceptable), be considered for the royalty on tower placement on county property? Mulherin answered that she did not see why not. Logsdon made a motion to approve the resolution supporting AT& T's acquisition of T-Mobile USA which would encourage high speed internet service in Spencer County presented by Pepper Mulherin, Director of AT & T. Toler seconded. All were in favor. Resolution was assigned # 2011-07.

Internet Security

Internet Security presentation was given by Heath Therber. Therber stated he could access court house records within 8 minutes from Main Street. Therber distributed data detailing Cisco 5505 ASA Firewall and Barracuda 200 AV and Spam Filter that would protect every department's office data in the court house. The Cisco 5505 ASA Firewall is a business/government based firewall. It cannot be penetrated. There was discussion. Cost would be roughly \$3,700 (which includes the \$400 per year charge for updates). Therber stated he did an inspection of all court house office computers and 90% of the offices do not have an anti-virus set up on them. This equipment will protect the system from an attack by a computer virus. Logsdon moved to purchase the Cisco ASA Firewall and the Barracuda 200 AV and Spam Filter \$3,000 along with the \$400 annual update fee plus \$300 for Therber to install the equipment. Total cost \$3,700 dollars and for it to be paid out of Cum Cap court house maintenance and do it ASAP. Toler seconded. All were in favor. There was discussion on court house departments to share a server. This was tabled. Logsdon stated that it would be a good idea to have a work session concerning this matter. All department input is needed. Therber stated there are security cameras in the court house that are not operable. Further, Therber stated that the court room and the commissioner room do not have security cameras. (2 day recording with 6 hours that is then downloaded to a tape.) They are remote accessible as well. There was discussion to repair cameras that are inoperable then address other cameras at another time. Logsdon stated we may save money by spending money. Toler stated we need to look into this.

Ordinance #2011-09

Cara Matthews came before the board to introduce Ordinance #2011-09 to the commissioners for their consideration. She stated that on January 1, 2011 the state changed On-Site Sewage Disposal System rules. Lindsey stated that the current ordinance uses an administrative code that does not exist. Lindsey stated we had to make changes to the current On-Site Sewage Disposal System rules by Incorporating the State rules and regulations of the State Department of Health which may be adopted from time to time. Currently, we have reference to the current rules and regulations but on number one it is residential sewage disposal systems and; number two it is commercial onsite waste water disposal; number three is sanitary privies, all of these were referred to in our ordinance by reference to a specific code citation but when those code citations change or get repealed and new codes adopted our current ordinance wasn't broadly enough written to allow for those adjustments. These are our guidelines per Lindsey. Lindsey represents the Health department. There was discussion on some of the changes in the existing ordinance. Logsdon made a motion to approve the first reading of ordinance #2011-09 that was introduced by Matthews. Toler seconded. All were in favor. It will be discussed again on August 16th, 2011.

James G. Brooker

Assessor deputy, Donna Burrows came before the board to discuss a Dog House (Slang word for shack- building that is used beside oil wells in the county), that is currently owned by the county through a tax sale process. In 2004 this Oil lease (on Leon Vaeth property) was sold in bankruptcy from Bronco Oil to Brookston Resources. There was a tax sale and a bankruptcy and for some reason the dog house and the oil lease was separated and assumed by Spencer County. Per DLGF, it is their opinion when an oil lease is sold from one company to another that party will receive the entire lease including the pumps, the tanks, batteries, dog houses in other words they get it all per

Assessor Deputy, Burrows. Every year the state sets a taxation fee on the entire lease. This building which Mr. James G. Brooker has been paying taxes on all along as part of his lease. DLGF is recommending Spencer County to do a Quit Claim deed to Mr. James G. Brooker. This will put the dog house and the oil lease back together. Logsdon made a motion based on Lindsey and DLGF's recommendation to approve and execute Quit Claim Deed placing (dog house) 20 x 32 building back onto parcel #74-09-06-200-005.999-013. Toler seconded. All were in favor.

County Highway Report

CR 450W -- Old State Road is completed. Ohio Township Winery Road 1740 will be finished this week if all goes well. The Highway is running okay on repair bills right now. Two CAT engines had to be replaced in two trucks which hit the county hard Painter is hoping not to have to come before the council for additional money for repairs before the end of this year.

Engineer

Lloyd received a check from INDOT for CR 1000N issue for asking J H Rudolph to delay on road project due to INDOT needing to use CR 1000N. J H Rudolph agreed to delay on road project but cost of equipment removal and in case fuel was to go up they requested additional funds. This information was relayed to INDOT and a check was written to ES Wagner who paid Spencer County for the amount of \$9,780. Logsdon made a motion to approve INDOT paying Spencer County for road repair funds of \$9,780 dollars for CR 1000N and to oil roads when appropriate. Toler seconded. All was in favor.

TrueRx

Logsdon made a motion formally to acknowledge TrueRx adding IGA Hometown Pharmacy located in Rockport Indiana to the proscription providers list. Toler seconded. All were in favor.

Town of Dale

Bruce Cissna came before the board to request to appoint Ray Striegel as representative on the Common Construction Wage board for the Town of Dale. Logsdon made a motion to approve Cissna request. Toler seconded. All were in favor.

WTH

There was discussion on the new road mapping of Spencer County. After discussion Logsdon stated we would wait to have data collaborated by WTH until we have our next fly-over of Spencer County.

Legal Report

Lindsÿ provided a legal report to the commissioners showing past duties performed for the county.

Adjourned

Logsdon made a motion to adjourn. Toler seconded. All were in favor.

Board of Commissioners meeting adjourned at 11:00 a.m.

President
Attest:

Donna J. Lynam, Auditor